

The Gazette of India



EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 280-A] NEW DELHI, WEDNESDAY, MAY 29, 1957/JYAISTHA 8, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 28th May 1957

S.R.O. 1747-A.—In pursuance of the provisions of sub-section (1) of Section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 295 of 1957, presented to the Commission on the 26th April, 1957 under Section 81 of the said Act, by Shri Shanbhag Narasinha Govind, Pleader, Kumta, Distt. North Kanara, Mysore calling in question the election to the House of the People from the Kanara constituency of that House, of Shri Alwa Joachim Piadad, Journalist, 9, Fair House, Sobani Road, Upper Colaba, Bombay.

Received by Registered Post this the Twenty-sixth day of April, One Thousand Nine Hundred and Fifty-seven.

(Sd.) DIN DAYAL, Under Secy.

26-4-57,

Election Commission, India.

BEFORE THE ELECTION COMMISSION IN INDIA

ELECTION PETITION No. 295 of 1957

Reference: Election of Single Member to the Kanara Parliamentary Constituency (Kanara North).

Shanbhag Narasinha Govind, age 62, occupation Pleader, resident of Kumta, District North Kanara, Mysore State—*Petitioner.*

Versus

Alwa Joachim Piadad, age 51, occupation Journalist, resident of Bombay, Address—9, Fair Home, Sobani Road, Upper Colaba, Bombay—*Respondent.*

Petitioner submits as follows:

1. The petitioner is an elector in the Parliamentary Constituency No. 228 (Kanara North) and his name is recorded in the Voters' list at serial No. 252 of Kumta Municipal Ward No. E. The petitioner has voted in the election on 1st March, 1957.

2. The respondent and three others were candidates in the election. The respondent was the Congress party candidate.

3. The election was held in the constituency from 25th February, 1957 to 6th March 1957. Counting commenced in the Office of the Returning Officer at Karwar from 11th March 1957 and respondent was returned on 13th March 1957.

4. The petitioner submits that the election and the return of the respondent is void under Section 100 of the Representation of the People Act, 1951, on the following grounds:

- (a) Leaflets were issued in Sirsi, Kumta and Honavar 'Assembly constituencies interfering with the free exercise of the electoral right within the mischief of Section 123 (2) (3) and (5) of the Representation of the People Act, 1951.
- (b) The leaflet under the signature of Shri Sarvadnendra Saraswati Swami Shri Swarnawalli Math Maha Samsthan of Sonda in Sirsi Taluka was distributed in Sirsi and Kumta constituencies enjoining the devotees of the Math to vote for the Congress party only, which obviously refers to the respondent so far as the Parliamentary constituency is concerned. Shri Sarvadnendra Saraswati Swami is a religious Head of Havik and Kshatriya—communities numbering more than 100,000, not less than half of whom are voters. By issuing this leaflet the Swamiji ordained all his disciples to exercise their electoral right in favour of the respondent alone independent of their individual inclination. This leaflet obviously threatens the electors with spiritual censure in case the electors acted otherwise.
- (c) The second leaflet is issued under the signature of Shri Ratnavarma Heggade of Dharmasthal. It emanates from the Holy Place of Dharmasthala. This Holy Shrine of Dharmasthala is sacred to the Hindus in South India. And Kanaranas have implicit and abiding faith in that Holy Shrine. Shri Ratnavarma Heggade occupies a unique role in the Temple of Shri Manjanath Dev at Dharmasthala. It is the belief that the Heggade family of Dharmasthala inherits from generation to generation the divinity of Shri Manjanath Dev. It is believed that for all purposes Heggade family man is a mouth piece of Manjanath Deity. In this situation any disobedience of his direction is regarded as incurring of divine displeasure.
- (d) Another leaflet was issued by the Heads of Harakantra community of 18 villages in Kumta constituency. They appealed to their community people to vote for Congress party candidate only. This appeal, the petitioner submits is manifestly communal and rouses communal feeling in the community and prevent the electors effectually from exercising their vote according to their reason. This amounts to campaigning on communal lines.
- (e) A leaflet was circulated under the signature of the Muslim leaders of Dharwar District appealing to Muslim voters to vote for the Congress party candidate and the signatories include the Presidents of Anjuman Islamia Institutions, which are professedly communal organisations. This leaflet was given wide publicity in the Kanara Parliamentary constituency. This amounts to canvassing vote by campaigning on communal lines. This leaflet prevents the Muslim voters in this part of the constituency to vote independently.
- (f) Another leaflet was issued under the signature of Venkatraman Venkappa Patgar styling himself as the President of North Kanara District Tenants and Labourers Association, Kumta. There is no such Association. This leaflet is obviously meant to the Patgar community and is addressed to the community to vote for the Congress candidate only. This is a communal appeal and amounts to undue influence.
- (g) In the Sunday 'Sakal', a Marathi Weekly published from Poona published a news-letter from its correspondent from Karwar under date 15th February, 1957 to the effect that one of the independent candidates Shri M. D. Malgaonkar was supported in this election by anti-congress Capitalists Association and that he has paid the five assembly candidates in the North Kanara District at Rs. 8,000 each for his election propaganda. This news item was published on behalf of Congress candidates damning the candidature of Shri Malgaonkar showing him up as a corrupt person in the eyes of the electors. The News

Item, the petitioner submits is false and malicious. The news was published in the issue dated 17th February, 1957 on the front page and was given wide publicity in the whole District.

These leaflets were published in the constituencies between 22nd February, 1957 to 4th March, 1957. The 'Sakal' news was circulated from 17th February, to 28th February, 1957. The leaflets are printed in the Shri Ramakrishna Printing Works Private Ltd., Kumta and Shri Sharada Mudranalaya at Sirsi where all the propaganda literature of the Congress Party and of the Congress Committees was printed. So the leaflets were published on behalf of the Congress Party Candidates with their knowledge and consent.

The petitioner, therefore, prays that the election of the Kanara Parliamentary constituency No. 228 held from 25th February, 1957 to 6th March, 1957 in which the respondent was declared returned on 13th March, 1957 be set aside. He further prays that the respondent should be disqualified to contest elections for a period of 6 years under section 140 of the Representation of the People Act, 1951. The petitioner also submits that his costs should be allowed under section 120 of the said Act.

Dated at Kumta this 23rd April 1957.

(Sd.) N. G. SHANBHAG,

Petitioner.

I, Narasinha Govind Shanbhag, Pleader, Kumta, Petitioner hereby declare that what is stated above is true to the best of my belief and knowledge.

KUMTA;
The 23rd April 1957.

(Sd.) N. G. SHANBHAG,

Petitioner.

Enclosures:

- (1) Challan
- (2) A leaflet issued by Sarvadnendra Swami printed at Sirsi.
- (3) A leaflet issued by Sarvadnendra Swami re-printed at Kumta.
- (4) A leaflet issued by Shri Ratnavarma Heggade Dharmasthala.
- (5) A leaflet issued by Harakantra Community Heads.
- (6) A leaflet issued by Muslim Leaders of Dharwar District (re-printed at Kumta).
- (7) A leaflet issued by Venkatraman Venkappa Patagar.
- (8) Pages 1 to 9 & 10 of Sunday Sakal a Marathi weekly dated 17th February, 1957 relevant portion is marked in read.

[No. 82/295/57.]

By order,

DIN DAYAL, Under Secy..

